

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
EYIDI AMBILA,	)	
	)	
Petitioner,	)	
	)	C.A. No. 07-11030-GAO
v.	)	
	)	
SHERIFF ANDREA J. CABRAL,	)	
	)	
Respondent.	)	
_____	)	

**MOTION TO DISMISS**

Respondent, Andrea Cabral<sup>1</sup>, moves to dismiss this action pursuant to Fed. R. Civ. P. Rule 12(b)(6) for failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Michael Sady  
Michael Sady  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100

Dated: August 24, 2007

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<sup>1</sup> The federal government files this motion pursuant to 28 U.S.C. § 517, which provides for the appearance of the Department of Justice “to attend to the interests of the United States in a suit pending in a court of the United States”.

**CERTIFICATE OF SERVICE**

I certify that on, I caused a copy of the foregoing Notice of Appearance to be served on August 24, 2007 by first class mail, postage pre-paid to pro se petitioner, Eyidi Ambila, 60 Columbia Road, Portland, ME 04103.

/s/ Michael Sady  
Michael Sady  
Assistant U.S. Attorney

**L. R. 7.1 CERTIFICATION**

Because plaintiff is pro se and recently released from a state correctional facility as requested, counsel did not attempt to narrow the issues in this matter.

/s/ Michael Sady  
Michael Sady  
Assistant U.S. Attorney